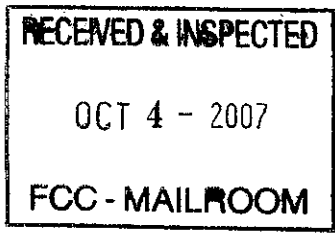


DKT NO
06-181

CGB-CC-0680



October 1, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 2054

Dear Secretary Dortch:

I am in receipt of the opposition to the petition by First Baptist Church Mount Pleasant (SC) for an exemption from the closed captioning requirement (CGB-CC-0680). The letter of opposition was filed by the internationally renowned law firm of Bingham McCutchen LLP on behalf of their many distinguished clients, which include several large and respected organizations serving the interests of deaf, hearing impaired, and disabled people.

Bingham was ranked by *The American Lawyer* in 2006 as one of the 20 top law firms in the U.S. Bingham had 59 of its lawyers recognized in *Chambers USA: America's Leading Lawyers for Business* 2007 client guide. Bingham's Chairman, Jay Zimmerman, is quoted as saying, "Our top-50 client list is a real who's who of great corporations, both financial and otherwise." "Competition ups our game. The type of person we want to attract is someone who is very competitive in looking at the needs of our clients and serving those clients." Based on a perusal of information available through the web, the Chairman's claims are entirely justified.

It is now clearer why the FCC has denied the requests of roughly 99 of the last 100 individual churches that have requested exemption from the closed captioning requirements. In fact, the one appeal that was not completely denied granted permission for a longer period of exemption before full compliance with closed captioning was required. Churches are not well organized and have not pooled resources to retain the aggressive legal talent to compete with a company such as Bingham. If Bingham were to represent the faith community, it is likely that we would more often be granted exemption under the free exercise of religion provision contained in the 1st amendment.

Several aspects of the Bingham letter appealing our petition suggest this document represents a minor modification of a standard response to requests for exemption from closed captioning requirements by religious organizations. For example, Bingham lists four criteria the petitioner must address and concludes that we have failed in this regard. The first item listed is the requirement to obtain competitive bids, which was done and copies of e-mail correspondence were included. However, there is no acknowledgement that this requirement has been addressed.

On page 6, the statement appears that "Unsubstantiated, self-serving statements that programming would be terminated or substantially curtailed or that Petitioner's mission would be curtailed are not evidence and do not justify an exemption." We have made no such claims in our petition.

Furthermore, on page 6, Bingham goes on to state "Additionally, Petitioner produces and airs its programming in furtherance of its mission and that mission will be furthered still when its programming is captioned to reach people who are deaf and hard of hearing." At one level, we agree: We would desire that the message of God's love and forgiveness through His Son, Jesus, and scriptural principles for living the abundant life reach absolutely everyone. The reality is that we don't have the resources to do so, and,

therefore, must make practical, priority-based decisions. For example, how many deaf and hearing impaired people within the telecast area of WBCD-TV Channel 2 are being denied access to the Gospel message and scriptural truth? Is meeting this unknown need more important than the priorities reflected in our budget for addressing the mission of 'Connecting, Growing, Serving Together'?

We are unaware that Bingham or its clients have any members at First Baptist Church Mt. Pleasant. As such, it seems unlikely that they understand our mission priorities, which we believe are reflected in our current budget. Based on information contained on the Bingham website, July 6, 2007, <http://bingham.com/Page.aspx?PageID=13>, as reproduced in the next paragraph, it is unlikely that Bingham fully understands our mission priorities.

- We served as co-counsel with Planned Parenthood in its landmark victory defeating the so called partial birth abortion ban, which would have banned most second trimester abortions. Our attorneys won a restraining order prohibiting implementation of the statute the day it was signed into law. Just five months later, after intensive discovery, we tried the case in federal court. The court found the statute unconstitutional on all grounds we presented.

Despite the improbability that our petition, CBG-CC-0680 will be successful, I respectfully request that the FCC consider two additional points:

1. *The tapes of our sermons are broadcast only one time. The cost of closed captioning is not leveraged through rebroadcast to other deaf and hearing-impaired viewers.*
2. An overview of our no frills total church budget for 2007-2008 is attached. (Since Bingham and its clients have decided that First Baptist has funds to meet their priorities, it would be interesting to see the total annual budgets for Bingham and the clients they represent.)

First Baptist harbors no ill will toward Bingham or its very well-organized clients. To the contrary, we have high regard and respect for the zeal and competence with which Bingham represents their well-organized clients' interests. We applaud their community service and charitable giving programs summarized on PageID=15 of the website noted above. Moreover, we have great appreciation for the FCC and the awesome and challenging responsibilities you encounter in overseeing the content and channels of communication in a rapidly changing world. We await and respect your upcoming decision regarding our petition for exemption from closed captioning requirements, CGB-CC-0680.

Kindest regards,



Brent M. Egan
Executive Pastor

CC: Paul O. Gagnier
Troy F. Tanner
Danielle C. Burt
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20007

Dr. Ronald C. Dillon
Senior Pastor, FBC



2007-2008 Budget

Focusing on Kingdom Growth



Budget 2007-2008

The 2007-08 FBC budget emphasizes the Connecting, Growing, Serving Together. Here are some examples. Our total mission budget has risen significantly and includes funding for local outreach and publicity and promotions, and an athletic ministry to reach unchurched people of all ages in our community. We will proclaim the Gospel and Body of Christ through our McCann Center activities. And, the budget includes monies for a new ministry at Pinckney School on Highway 17 to provide a way for an active and growing congregation to reach the community by the time North Campus facilities are completed. Moreover, funds are included to service the local community in the construction of North Campus Phase 1 facilities.

To fund these new activities it was necessary to implement greater efficiency in our educational and support services and the staff and Finance Committee have worked hard to ensure key ongoing activities remain strong and our facilities remain excellent.

All in all, 2007-08 promises to be a very exciting and productive building year as we pursue His mission of Connecting, Growing, Serving Together.

FBC Draft Budget for 2007–2008

ed Tithes and Offerings: \$1,774,639
 above anticipated budget offerings for 2006–7)

es:

<u>Category</u>	<u>Cost</u>	<u>% 2007-8 budget</u>
s & Evangelism	\$328,315	18.5%
onal Ministry	\$34,350	1.9%
Support	\$105,700	6.0%
Operations	\$175,200	9.9%
es	\$179,285	10.1%
el	\$901,689	50.8%
s)	(\$690,054)	(38.9%)
anagement	\$50,100	2.8%
xpenses	\$1,774,639	100%

Specific Activities, Programs, and Items Su

Under Each Budget Category Include

Missions: Cooperative Program (7% of budget), C Baptist Association (3%), ECCO, benevolence, nurs TV ministry, North Campus Ministry, outreach and ev Hispanic outreach ministry, publicity and promotion, f of Christian Athletes, Women on Mission, High S Middle School Missions, FBCS, Mission Projects.

Educational Ministry: Bible Study/Sunday School, V Mission, stewardship, staff resources, PrayerWatch Ministry.

Ministry Support: Music, worship planning, drama care, high school, middle school, preschool/children assimilation, adult, Sunshine Club, recreation, 1000 prayer, Garden of Grace, and other (miscellaneous).

General Operations: Utilities (electricity, water, office supplies, office equipment / leases, contr computer repair / upgrade, telephone, postage, clea restroom supplies, Baptist Courier, kitchen expense audit expense, miscellaneous.

Properties: Maintenance and repairs, capital rese capital expenditures, property and liability insurance, tation, beautification.

Personnel: Ministerial staff salaries and housing allo well as support staff salaries including nursery workers health insurance (5.2%), FICA (3.0%), annuities workmen's compensation, conferences and c education, staff retreat, staff business expenses, contin

Debt Management: Projected costs of obtaining and a construction loan for Phase I North Campus May 1–October 1, 2008. The estimate conservatively the North Campus building fund will pay for the initial of site preparation and construction costs February 1–2008, an average loan balance of \$1,200,000 over from May 1–October 1, 2008, an interest only loan ra and loan procurement costs of \$10,000.